



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. AM100081 01)

<i>In re</i> Patent Application of:	)	Appln. No.: 09/659,643
	)	Confirmation No.: 6975
JAMES J. GIBBONS JR. <i>et al.</i>	)	Customer No.: 25291
	)	Group Art Unit: 1614
Filed: 09/12/2000	)	Examiner: Dwayne C. Jones
	)	
For: METHOD OF POTENTIATING	)	
CHEMOTHERAPY AND TREATING	)	Paper No.: 23
SOLID TUMORS	)	

AMENDMENT UNDER 37 C.F.R. § 1.114(c)

Dear Sir:

Responsive to the Office communication mailed June 27, 2005, please amend the above-referenced patent application and consider the below remarks in a favorable light.

REMARKS

Reconsideration of this application, in view of the amendment, is respectfully requested. In accord with 37 C.F.R. § 1.121, the amendment to the claims and a complete listing of all pending claims in the application begin on a separate sheet. Only the claim number and status indicate the canceled claims. The amendment adds no new matter into the application. For the convenience of the Office staff, the amendment is placed in the below Appendix and incorporated herein by reference thereto.

Although Applicants respectfully disagree with the merits of the rejections being maintained, new Claims 15-18 limiting the claimed invention to the use of one of the cytokine inducer compounds of formula I are presented in lieu of pending Claims 1, 3 and 5-7 in a good faith attempt to place this application in condition for an immediate allowance.

Turning to the Office action, the Examiner maintains the rejection of Claims 1, 3 and 5-7 (now Claims 15-18) under 35 U.S.C. § 112, first paragraph, for reasons given on pages 3-9 of the Office action. The Examiner does find, however, that the specification is enabling for the single cytokine inducer compound [R-(R\*,R\*)]-N-[(R)-6-carboxy-N<sup>2</sup>-[[2-carboxy-1-methyl-2-[(1-oxoheptyl)amino]-ethoxy]carbonyl]-L-lysyl]-alanine or a pharmaceutically acceptable salt